

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**IN RE ROUNDUP PRODUCTS LIABILITY
LITIGATION**

MELODY BURBAGE,

Plaintiff,

v.

MONSANTO COMPANY,,

Defendants.

MDL NO. 2741

SHORT FORM COMPLAINT

Civil Action No.: **3:21-cv-7206**

SHORT FORM COMPLAINT WITH JURY DEMAND

Pursuant to Pretrial Order (PTO) No. 149, in which the parties were ordered to sever the plaintiffs in the case captioned *John Frederick et al. v. Monsanto Company*, originally filed in the United States District Court for the Eastern District of Missouri (Eastern Division) into individual short form complaints for pre-trial work up purposes, Plaintiff Melody Burbage provides the following allegations required by the Court in PTO No. 155:

1. This case is brought on behalf of Plaintiff Melody Burbage.
2. This case is brought against Defendant Monsanto Company (Monsanto).
3. Plaintiff first filed her case against Monsanto in the United States District Court for the Eastern District of Missouri (Eastern Division).
4. Plaintiff incorporates by reference, as if fully alleged herein, the allegations contained in *John Frederick, et al. v. Monsanto Company*, Case No. 3:21-cv-03418.
5. Plaintiff resided in Charleston, SC at the time of filing the original complaint against Monsanto.

6. Plaintiff currently resides in Charleston, SC.
7. Plaintiff resided in Henderson, KY at the time of her diagnosis of Non-Hodgkin Lymphoma (NHL).
8. Plaintiff received medical treatment for her NHL in Newburgh, IN.
9. Venue over this case properly lies in the United States District Court for the Central District of California.
10. Jurisdiction is proper based on diversity under 28 U.S.C. § 1332 because Plaintiff is a citizen of South Carolina, a different state than the Defendant's state of citizenship, and the aggregate amount in controversy exceeds \$75,000, exclusive of interest and cost.
11. Plaintiff was exposed to Monsanto's Roundup products from in or around 1991 to 2017.
12. Plaintiff used Monsanto's Roundup products at each of the following location: Kentucky.
13. Plaintiff was first diagnosed with Non-Hodgkin's Lymphoma in March of 2017.
14. Plaintiff(s) bring claims against Monsanto under the following theories of liability: Strict Liability (Design Defect); Strict Liability (Failure to Warn); Negligence; Breach of Express Warranty; Breach of Implied Warranties.

Respectfully Submitted by,

/s/Fletcher V. Trammell

Counsel for Plaintiff
Fletcher V. Trammell
Texas State Bar No. 24042053
Federal Bar No. 37307
3262 Westheimer, Suite 423
Houston, Texas 77098
Telephone: (800) 405-1740
Facsimile: (800) 532-0992
fletch@trammellpc.com

CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2021, I electronically filed the foregoing with the Clerk for the United States District Court for the Northern District of California using the CM/ECF system, which shall send electronic notification to counsel of record.

/s/ Fletcher V. Trammell
Fletcher V. Trammell